

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: April 12, 2018  
@ 9:30 AM

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In re:

Secundina P. Valerio,

CHAPTER 13

Debtor

Case No. 18-10061-cgm

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OBJECTION TO THE MOTION OF JEFFREY A. KOSTERICH, LLC COUNSEL FOR  
GMAT LEGAL TITLE TRUST 2014-1, US BANK NATIONAL ASSOCIATION AS  
LEGAL TITLE TRUSTEE TO DISMISS THIS CASE

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TO THE HONORABLE CECELIA G. MORRIS, CHIEF U.S. BANKRUPTCY JUDGE

The Debtor by her Attorney, Julius A. Rivera, Jr., Esq. respectfully shows and alleges:

1. The Debtor filed a Chapter Bankruptcy case under case number 16-11939 in the SDNY on July 6, 2016 and received a Chapter 7 discharge on February 16, 2017 which discharged approximately \$50,000.00 in unsecured debt.
2. The Debtor then filed a Chapter 13 Bankruptcy case pro-se under case number 17-12679 on September 25, 2017, not being able to afford an Attorney. The Debtor paid her filing fees in installment and she attended the creditors meeting. That case was dismissed on December 18, 2018 for failure to file schedules, she being unable to complete schedules as an unsophisticated Debtor and speaks little English.
3. The Movant above referenced completed a foreclosure sale in violation of the stay in that case and acknowledges that in their papers. The Movant asserts unawareness of the Bankruptcy filing.
4. The sale is non-the less void as a violation of the stay.
5. The Movant with then actual knowledge that the stay was conducted in violation of the stay, proceeded to file a Motion in State Court dated December 26, 2017 and returnable on January 22, 2018 to Ratify and Confirm the sale that was conducted in violation of the Federal Bankruptcy Court Stay.
6. The Debtor then retained my office and I filed the present case on January 8, 2018.
7. The Movant then Violated the stay in this pending case by not notifying the State Court of the present Bankruptcy case. The Ordering Ratifying the Sale was therefore signed by the State Court Judge and the Movant served the Order on the Debtor on or about February 6, 2018.

8. The Debtor moved for an Order Extending the stay in this case by Motion Dated January 16, 2018 and the motion was granted with the stay having continued uninterrupted to date.
9. The Debtor applied for a Loss mitigation Order and the Order has been signed and entered and it was served on March 30, 2018.
10. The debtor has attended the creditors meeting, has completed her credit counseling course, has filed her DSO form, has attended the Confirmation hearing in this case and is current with the plan payments.
11. There is no basis for a dismissal of this case. The Debtor has proceeded in all aspects in good faith.

WHEREFORE it is respectfully requested that order dismissing the case not be signed and the motion be denied.

Dated: Poughkeepsie, New York  
April 10, 2018

/s/ Julius A. Rivera, Jr., Esq.  
JULIUS A. RIVERA, JR., ESQ.  
309 Mill Street  
Poughkeepsie, New York 12601  
845-452-1422

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing objection motion to dismiss was furnished to the following parties on the 10th day of April, 2018 by United States first-class mail and/or by electronic notification:

Krista M. Preuss, Chapter 13 Trustee  
399 Knollwood Road, Suite 102  
White plains, New York 10603

Office of the US Trustee  
74 Chapel Street, Suite 200  
Albany, New York 12207

Jeffrey A. Kosterich, LLC  
Counsel for GMAT Legal Title Trust 2014-1  
US Bank, N.A. as Legal Title Trustee  
68 Main Street  
Tuckahoe, NY 10707

Dated: Poughkeepsie, New York  
April 10, 2018

/s/ Julius A. Rivera, Jr.  
Julius A. Rivera, Jr.  
309 Mill Street  
Poughkeepsie, New York 12601  
845-452-1422